

PATENT
U.S. Patent Application No. 10/060,698
Attorney Docket No. 01-4030

REMARKS

In the final Office Action, the Examiner continued to reject claims 1-10 under 35 U.S.C. § 102(b) as allegedly anticipated by SPREEN (U.S. Patent No. 1,688,891). Applicants note that claims 8 and 9 were canceled in the Amendment filed August 4, 2003. Therefore, Applicants continue to traverse the rejection of claims 1-7 and 10 based on SPREEN. Claims 1-7 and 10 remain pending.

Independent claim 1 recites a rotor, a stator located external to the rotor and including main and auxiliary windings, an outer motor case, and a plurality of compliant mounts positioned between the stator and the outer motor case and configured to enhance forces applied to a foundation due to excitation of the auxiliary windings.

A proper rejection under 35 U.S.C. § 102 requires that a reference teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present. See M.P.E.P. § 2131. SPREEN does not disclose or suggest the combination of features recited in Applicants' claim 1.

For example, SPREEN does not disclose a plurality of compliant mounts positioned between the stator and the outer motor case and configured to enhance forces applied to a foundation due to excitation of the auxiliary windings. The Examiner relied on element 17 (Fig. 1) and col. 1, line 23 of SPREEN for allegedly disclosing this feature (final Office Action, pg. 2). Applicants submit that these sections of SPREEN do not disclose or suggest the recited feature.

SPREEN's element 17 corresponds to a soft rubber member (col. 1, line 17). SPREEN specifically discloses that rubber member 17 is annular (i.e., in the shape of a

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ring). Fig. 2 of SPREEN depicts the annular soft rubber member 17 as a single piece of rubber. Applicants' claim 1, however, recites a plurality of compliant mounts.

SPREEN's single annular soft rubber member 17 cannot be reasonably alleged to be a plurality of compliant mounts.

Moreover, SPREEN does not disclose or suggest that the single, annular soft rubber member is configured to enhance forces applied to a foundation due to excitation of the auxiliary windings, as also required by Applicants' claim 1. With respect to this feature, the Examiner alleged that "the isolating rubber being configured to deflect torque (such as anti vibration column 1, line 5)" (final Office Action, pg. 3). Applicants submit that the Examiner has mischaracterized the language of Applicants' claim 1.

Applicants' claim 1 recites a plurality of compliant mounts positioned between the stator and outer motor case and configured to enhance forces applied to a foundation due to excitation of the auxiliary windings. Contrary to the Examiner's allegation, one skilled in the art will readily appreciate that enhancing forces applied to a foundation due to excitation of the auxiliary windings is quite different from deflecting torque.

Further with respect to this feature, the Examiner alleged that "the member 17 not only reducing the vibration but also transferring forces via frame 11 to the base" and points to Fig. 2 of SPREEN for support (final Office Action, pg. 3). Applicants disagree.

SPREEN does not disclose or suggest that annular soft rubber member 17 transfers forces via frame 11 to the base, as alleged by the Examiner. To the contrary, SPREEN specifically discloses that annular soft rubber member 17 absorbs vibration of the motor (col. 1, lines 37-45).

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Fig. 2 of SPREEN in no way discloses or even suggests that annular soft rubber member 17 enhances forces applied to a foundation due to excitation of the auxiliary windings. If this rejection is maintained, Applicants respectfully request that the Examiner specifically point out where SPREEN discloses that annular soft rubber member 17 enhances forces applied to a foundation due to excitation of the auxiliary windings.

Even assuming, for the sake of argument, that SPREEN discloses that annular soft rubber member 17 transfers forces via frame 11 to the base, as alleged by the Examiner, Applicants submit that the Examiner has mischaracterized the language of Applicants' claim 1. Claim 1 recites a plurality of compliant mounts positioned between the stator and outer motor case and configured to enhance forces applied to a foundation due to excitation of the auxiliary windings. One skilled in the art would readily appreciate that enhancing forces applied to a foundation is different from transferring forces via a frame to a base.

Since SPREEN does not disclose every feature of claim 1, the rejection of claim 1 under 35 U.S.C. § 102(b) as anticipated by SPREEN is improper.

For at least the foregoing reasons, Applicants submit that claim 1 is not anticipated by SPREEN.

Claims 2-5 depend from claim 1. Therefore, these claims are not anticipated by SPREEN for at least the reasons given above with respect to claim 1.

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Independent claims 6 and 10 recite features similar to those recited in claim 1. Therefore, claims 6 and 10 are not anticipated by SPREEN for reasons similar to those given above with respect to claim 1.

Claim 7 depends from claim 6. Therefore, claim 7 is not anticipated by SPREEN for at least the reasons given above with respect to claim 6.

In view of the foregoing remarks, Applicants respectfully request the Examiner's reconsideration of this application, and the timely allowance of the pending claims.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 07-2347 and please credit any excess fees to such deposit account.

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